

S/N 09/308,829

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	SCHLIEVERT ET AL.	Examiner:	J. HINES
Serial No.:	09/308,829	Group Art Unit:	1641
Filed:	JULY 14, 1999	Docket No.:	600.347USWO
Title:	MUTANTS OF STREPTOCOCCAL TOXIN C AND METHODS OF USE		



CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited in the United States Postal Service, as first class mail, with sufficient postage, in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on march 7, 2000.

By:

Brenda House
Name: Brenda HOUSE

DECLARATION UNDER 37 C.F.R. § 1.131

Assistant Commissioner for Patents
Washington, D.C. 20231

COPY

Dear Sir:

I, Patrick M. Schlievert, declare and state the following:

1. I am one of the inventors of the subject matter of the patent application identified above, and carried on my inventive activity as an employee of the University of Minnesota.
2. I understand that the Examiner has cited the *Kline et al.* (Kline, J.B., C.M. Collins, *Infection and Immunity* 64 (3):861-869 (1996)) as prior art in prosecution of the application identified above. I understand that the *Kline et al.* reference was published in an issue of *Infection and Immunity* dated March 1996.
3. I further understand that the original filing date of my present patent application Serial No. 09/308,829 is December 6, 1996, the filing of parent provisional U.S. Patent Application Serial No. 60/033,251. The application identified above traces its pendency to this provisional application as indicated in the Declaration and Power of Attorney submitted during prosecution of this application.
4. I state that before the publication date of the *Kline et al.* reference, that is before March 1996, my co-inventors and I invented the subject matter described and claimed in the patent application identified above. As evidence, please find accompanying this declaration a photocopy of a report from my laboratory documenting at least the conception of the claimed invention before March 1996. My co-inventors and I then diligently proceeded with

implementing the present invention and filing of the priority document for the present application.

5. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that the statements are made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of this application or any patent issuing thereon.

Date

3/6/00



Patrick M. Schlievert